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DEC 22 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FEDERAL EXPRESS

December 19, 1997

William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street NW Room 222  
Washington, DC 20544

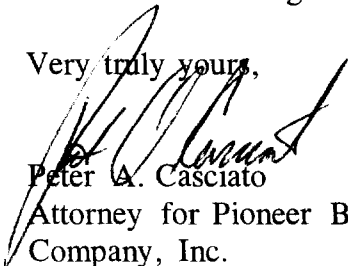
Re: Comments & CounterProposal of Pioneer Broadcasting Company, Inc. in MM  
Docket No. 97-227, RM 9159, Wasilla, Alaska

Dear Mr. Caton:

Enclosed for filing are an original and five copies of the above-captioned Comments and Counterproposal for filing in MM Docket No. 97-227. Please return one of the copies, date-stamped, to the undersigned.

Should you have any questions concerning Pioneer Broadcasting Company, Inc., please contact the undersigned.

Very truly yours,

  
Peter A. Casciato  
Attorney for Pioneer Broadcasting  
Company, Inc.

cc: Jay White  
Richard Kale

PAC:sc

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**ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of § 73.202(b) ) MM Docket No. 97-227  
Table of Allotments, ) RM 9159  
FM Broadcast Station )  
Wasilla, Alaska )

**RECEIVED**

DEC 22 1997

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL OF  
PIONEER BROADCASTING COMPANY, INC.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Pioneer Broadcasting Company, Inc. ("Pioneer"), by its attorney and pursuant to DA No. 97-227, released October 31, 1997, hereby submits its CounterProposal and Comments in the above-captioned proceeding. In support thereof, the following is resubmitted:

1. Pioneer is the licensee of radio stations KFQD, KWHL(FM) KMXS(FM), KEAG(FM), KHAR and KBRJ(FM), Anchorage, Alaska. The proposed Wasilla allocation affects KMXS(FM) in that its allotment will preclude KMXS(FM) from upgrading its existing C2 facilities to C1 facilities. As a result, Pioneer submits the following counterproposal, that channel 265C2 be allotted to Wasilla instead of Channel 273C2; and that Channel 276C1 be allotted to Anchorage in lieu of Channel 276C2, so as to permit the upgrade of KMXS(FM) to Class C1 on Channel 276C1.

2. The engineering exhibit, prepared by duTreil, Lundin & Rackley, Inc. and attached hereto, demonstrates that a C2 allocation can be allotted to Wasilla, as requested by the petitioner, and still allow for the upgrade of the KXMS(FM) to a class C1 facility, if Pioneer's counterproposal is adopted by the

Commission. Moreover, adoption of Pioneer's counterproposal is in compliance with the Commission's Rules on distance separations to other stations, allotments and known allotment proposals.

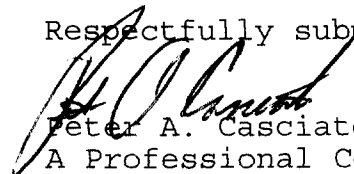
3. The substitution of the requested channels at Anchorage and Wasilla, Alaska will serve the public interest and is consistent with Commission policy. Amendment of the Commission's Rules Regarding Modification of FM And Television Licenses, 56 RR2d 1253 (1984). There, the Commission endorsed the process of allowing existing licensees to upgrade their facilities to provide better service to their audience so long as equivalent channels were made available to parties expressing interest. Such is the case for Pioneer's counterproposal.

4. Pioneer hereby expresses its intention to apply for and construct the Class C1 upgrade at its existing site, if the Commission makes the requested allocation changes.

WHEREFORE, the premises considered, Pioneer. respectfully requests that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Rules, as follows:

	<u>Existing</u>	<u>Proposed</u>
Anchorage, Alaska	276C2	276C1
Wasilla, Alaska	---	265C2

Respectfully submitted,

  
Peter A. Casciato  
A Professional Corporation  
8 California Street Suite 701  
San Francisco, CA 94111  
(415) 291-8661  
Attorney for Pioneer  
Broadcasting Company, Inc.

December 19, 1997

TECHNICAL STATEMENT  
IN SUPPORT OF COUNTERPROPOSAL  
MM DOCKET NO. 97-227  
PREPARED FOR  
PIONEER BROADCASTING COMPANY  
ANCHORAGE, ALASKA

This Technical Statement was prepared on behalf of Pioneer Broadcasting Company ("Pioneer"), licensee of KMXS(FM), Anchorage, Alaska (Channel 276C2), in support of a counterproposal. On October 31, 1997 the Commission released a Notice of Proposed Rule Making that proposed the allotment of Channel 273C2 to Wasilla, Alaska (MM Docket No. 97-227, RM-9159). Pioneer proposes that Channel 265C2 be allotted to Wasilla instead of Channel 273C2; and that Channel 276C1 be allotted to Anchorage in lieu of Channel 276C2, so as to permit the upgrade of KMXS(FM) to Class C1 on Channel 276C1.

Based on allocation studies prepared using the FCC's FM Engineering Database, it has been determined that Channel 276C1 meets the separation requirement of Section 73.207 of the FCC Rules with respect all assignments and allotment, existing or proposed, with the exception of the proposal for Wasilla (RM-9159). The KMXS(FM) licensed transmitter coordinates were employed as the reference coordinates for Channel 276C1 at Anchorage. The attached Figure 1 is a tabulation of the allocation study for Channel 276C1 at Anchorage.

A reference site was established for Channel 265C2 that is approximately 8 km northeast of Wasilla. Figure 2 is a tabulation of the allocation study for Channel 265C2 at Wasilla. As indicated, using the proposed reference site, the separation requirements are met with respect to all assignments and allotments, existing or proposed. Furthermore, as illustrated herein at Figure 3, the requisite hypothetical 70 dBu principal community contour fully encompasses the city limits of Wasilla in compliance with FCC requirements.

*W. Jeffrey Reynolds*

W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.  
240 N. Washington Blvd., Suite 700  
Sarasota, FL 34236  
(941)366-2611

December 18, 1997

TECHNICAL STATEMENT  
IN SUPPORT OF COUNTERPROPOSAL  
MM DOCKET NO. 97-227  
PREPARED FOR  
PIONEER BROADCASTING COMPANY  
ANCHORAGE, ALASKA

FM SEPARATION STUDY

Job Title : Proposed KMXS(FM) Separation Buffer 32 km  
FCC DB Date : 12/12/97  
Channel 276C1 (103.1 MHz) Coordinates : 61-08-13 149-50-06

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K204CI	Wasilla		273D	.250 DA	61-35-10	19.8	53.28	0
APP	AK	BPFT970808TA	102.5	.0	149-29-40		.00	TRANS
Translator for KATB, Anchorage, AK. From Channel 204								
	Wasilla		273C2		61-37-32	22.8	59.19	79
PADD	AK	RM9159	102.5	.0	149-24-05		-19.81	SHORT <sup>1</sup>
Site Restriction 5.3km North								
KMXS	Anchorage		276C2	27.0	61-08-13	.0	.00	224 <sup>2</sup>
LIC	AK	BLH940908KC	103.1	-55.0	149-50-06		-224.00	SHORT

\*\* End of separation study for channel 276C1 \*\*

<sup>1</sup> The instant proposal is mutually exclusive with the proposal to allot channel 273C2 to Wasilla.

<sup>2</sup> Current KMXS(FM) allotment.

TECHNICAL STATEMENT  
IN SUPPORT OF COUNTERPROPOSAL  
MM DOCKET NO. 97-227  
PREPARED FOR  
PIONEER BROADCASTING COMPANY  
ANCHORAGE, ALASKA

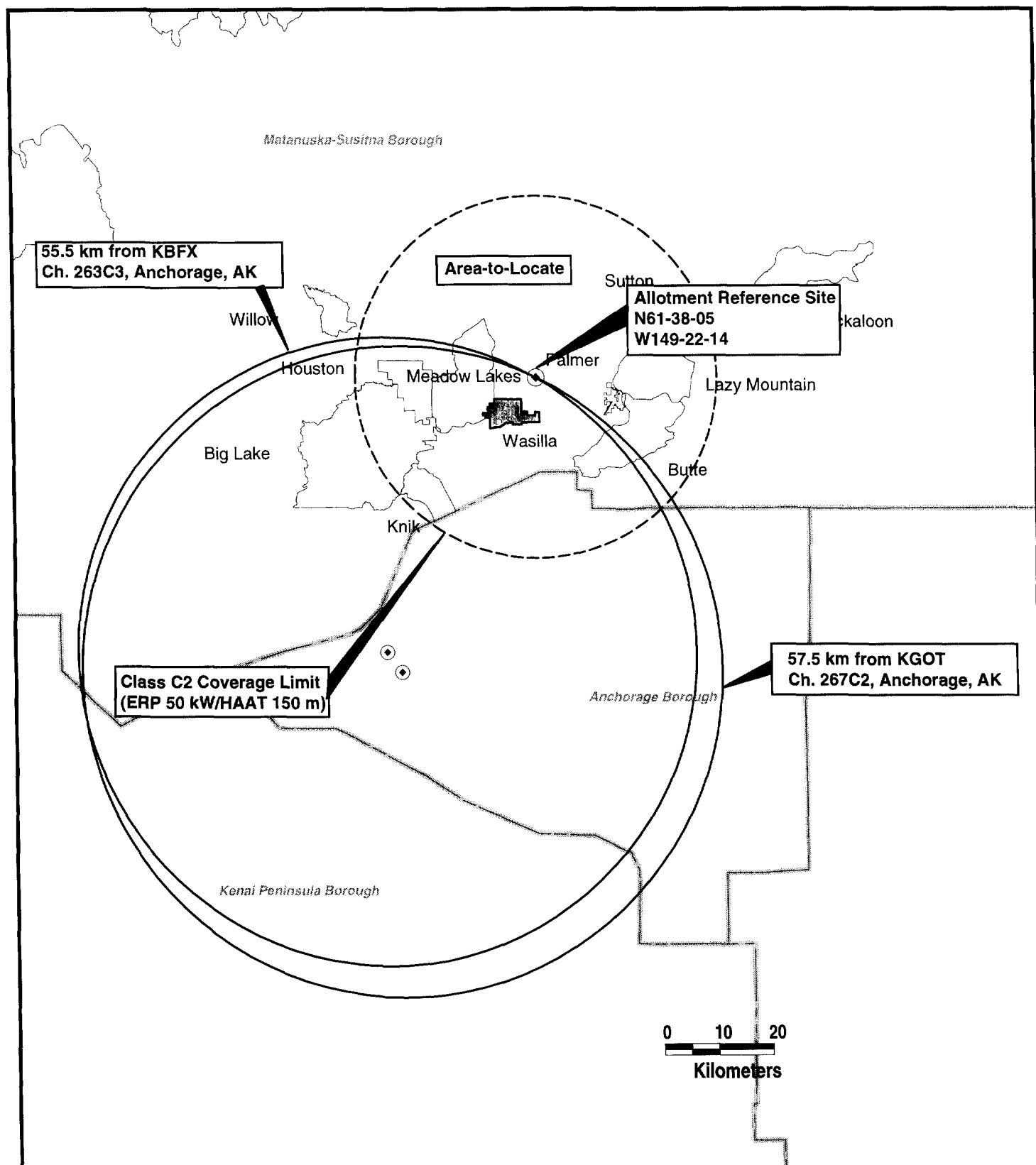
FM SEPARATION STUDY

Job Title : Proposed Ch. 265C2, Wasilla, AK                      Separation Buffer    32 km  
FCC DB Date : 12/12/97  
Channel 265C2 (100.9 MHz)                      Coordinates : 61-38-05 149-22-14

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KNBA LIC	Anchorage AK	BLED961025KF	212C1 90.3	100. 195.0	61-25-22 149-52-20	228.7	35.65 8.65	27 CLOSE
KBFX LIC	Anchorage AK	BLH780919AG	263C3 100.5	25.0 53.0	61-11-52 149-52-31	209.1	55.66 -0.34	56 CLOSE
Requested waiver of reclassification (Dk 88-375), 5-31-91, waiver denied by letter 930803; downgraded from Class C2 to C3.								
KCDV CP	Cordova AK	BPH941031MD	265A 100.9	1.2 -127.0	60-32-20 145-45-35	120.5	229.95 63.95	166 CLEAR
First Come/First Serve Applicant								
KGOT LIC	Anchorage AK	BLH6832	267C2 101.3	26.0 -20.0	61-09-58 149-49-34	205.2	57.62 -0.38	58 CLOSE

\*\* End of separation study for channel 265C2 \*\*

Figure 3



**AREA TO LOCATE**

**CHANNEL 265C2**

**WASILLA, ALASKA**




CERTIFICATE OF SERVICE

I, Jason Ma, legal assistant in the law firm of Peter A. Casciato, hereby certify that I have this 19th day of December, 1997, sent by first-class United States mail, postage prepaid, copies of the foregoing Comments & Counterproposal of Pioneer Broadcasting Company, Inc. to the following:

John A. Karousos  
Chief, Allocations Branch  
Policy & Rules Division  
2000 M Street NW  
Room 554  
Washington, DC 20554

John Wells King, Esq.  
Amelia Brown, Esq.  
Haley Bader & Potts  
4350 North Fairfax Drive  
Suite 900  
Arlington VA 22203-1633

  
\_\_\_\_\_  
Jason Ma